Application No.: 09/756,589 Docket No.: OSTEONICS 3.0-094 DIV

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 34-66) is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner rejected claims 34-66 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 6,206,883. The rejection indicated that a timely filed Terminal Disclaimed in compliance with 37 C.F.R. 1.321(c) may be used to overcome the rejection.

Attached find a Terminal Disclaimer as required by the Examiner. Consequently, this being the only rejection of the claims, the application is believed to be in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 20, 2003

Respectfully sulphitted,

Raymond W. Augustin Registration No.: 28,588

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